

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

\_\_\_\_ Division

Carl Hodge

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"See Attached" pg 1-3

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

**FILED  
SCRANTON**

SEP 11 2019

Per RF

DEPUTY CLERK

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carl Hodge

All other names by which  
you have been known:

Bino / Gambino

ID Number

70853-01A

Current Institution

FCI Allenwood

Address

PO Box 2000

White Deer

PA

17887

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

John Doe 1

Job or Title (*if known*)

Warden

(Sept 2017)

Shield Number

Employer

Dauphin County Prison

Address

501 Mall Road

Harrisburg

PA

17111

City

State

Zip Code

☒ Individual capacity☒ Official capacity**Defendant No. 2**

Name

John Doe 2

Job or Title (*if known*)

Deputy Warden

(Sept 2017)

Shield Number

Employer

Dauphin County Prison

Address

501 Mall Road

Harrisburg

PA

17111

City

State

Zip Code

☒ Individual capacity☒ Official capacity

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

John Doe 3

Job or Title (if known)

Major (Sept 2017)

Shield Number

Employer

Dauphin County Prison

Address

501 Mall Road

Harrisburg

PA

17111

☒ Individual capacity☒ Official capacity

## Defendant No. 4

Name

Jane Doe 1 "Mrs Jill"

Job or Title (if known)

Counselor

Shield Number

Employer

Dauphin County Prison

Address

501 Mall Road

Harrisburg

PA

17111

☒ Individual capacity☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

pg 4

See Attachment II Basis for Jurisdiction

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. Defendant have acted under the PA Department of Corrections policy, ordinance and regulations. Plaintiff request that this court allow an ammendment to this section upon appointment of CJA or court appointed counsel. Plaintiff request counsel due to the amount of discovery and defendants that would be involved.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

*N/A*

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The events for this claim occurred at Dauphin County Prison on Sept 7, 2017 in R.H.U, Sept 8, 2017 corridor from RHU to Cell Block-B and Sept 9, 2017 in B-Block.

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- C. What date and approximate time did the events giving rise to your claim(s) occur?  
 Sept 7, 2017 - RHU meeting with Counselor Jane Doe "Mrs. Jill"  
 Sept 8, 2017 - Corridor escort from RHU to B-Block  
 Sept 9, 2017 B-Block evening shower - Plaintiff has made a request for reports and relevant information. Defendant has not replied.
- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attachment pg 5-6

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. I received multiple injuries as a result of the negligent actions of the defendants. My injuries include 3 stab wound requiring stitches, multiple lacerations to the back of my head, left shoulder, and lower back. Since this attack I have been suffering from a pinch nerve and severe lower back pain, which I can only take motrin for, I suffer from PTS, I have trouble sleeping, constant nightmares where I'm being attacked. I have nervousness and anxiety when going to the shower or being around crowds, fearing an attack. This has created fear for my family that I'm in danger and can lose my life.

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims. \$10,000,000.00 Punitive damages for the pain and suffering caused by the injuries from this attack which was a direct result of Dauphin County Prison's staff negligence and inattention to duty.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Dauphin County Prison 501 Mall road Harrisburg, PA 17101

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Columbia County Prison Dec 18 2017

2. What did you claim in your grievance? I was attacked and suffered serious bodily injuries as a direct result of staff's inattention to duty and staff's negligence, which violated my Constitutional Rights

3. What was the result, if any? No response... was only told by staff that incident did not occur at Columbia County so they could not do anything.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)  
None as I was under the belief that because I was no longer at Dauphin County Prison I could not continue this process at Columbia County.

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I was transferred from Dauphin County Sept 10, 2017 and was not able to file a grievance.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: I spoke with counselor Mrs Jill. I informed her they violated my rights, thier negligence in placing me in a unit that I informed her my life would be in danger, was negligent and cruel and unusual punishment. She said she is sorry, my attackers made it seem we were all good friends and never thought this would happen. This was on Sept 10, 2017, I had made it clear to her on Sept 7th my life would be in danger in this block.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I have requested copies from my family of my grievance I filed at Columbia County. I will file these copies within the next 30 days as section VII Attachment.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- ☐ Yes  
☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

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**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Sept. 3, 2019

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

x Carl Hodge  
Carl Hodge  
70853-019  
FCI Allenwood PO Box 2000  
White Deer PA 17887  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

## I. The Parties to This Complaint

## B. The Defendants

## Defendant No 5

Name John Doe 4 (Sept 2017)

Job or Title Classification Officer

Shield Number

Employer Dauphin County Prison

Address 501 Mall Road  
Harrisburg, PA 17111☒ Individual capacity ☒ Official capacity

Name John Doe 5

Job or Title Correctional Officer (Sept 8, 2017 escort from RTU)

Shield Number

Employer Dauphin County Prison

Address 501 Mall Road  
Harrisburg, PA 17111☒ Individual Capacity ☒ Official Capacity

Name John Doe 6

Job or Title Correctional Officer (Sept 9, 2017 B-Block)

Shield Number

Employer Dauphin County Prison

Address 501 Mall Road  
Harrisburg, PA 17111☒ Individual Capacity ☒ Official Capacity

Name John Doe 7

Job or Title Correctional Officer (Sept 9, 2017 B-Block)

Shield Number

Employer Dauphin County Prison

Address 501 Mall Road  
Harrisburg, PA 17111☒ Individual Capacity ☒ Official Capacity

Name John Doe 8  
 Job or Title Lieutenant (Sept 9, 2017 B-Block)  
 Shield Number  
 Employer Dauphin County Prison  
 Address 501 Mall Road Harrisburg, PA 17111  
☒ Individual Capacity ☒ Official Capacity

Name John Doe 9 (Attacker 1)  
 Job or Title Unknown  
 Shield Number  
 Employer Unknown  
 Address Unknown

☒ Individual Capacity

Name John Doe 10 (Attacker 2)  
 Job or Title Unknown  
 Shield Number  
 Employer Unknown  
 Address Unknown

☒ Individual Capacity

Name John Doe 11 (Attacker 3)  
 Job or Title Unknown  
 Shield Number  
 Employer Unknown  
 Address Unknown

☒ Individual Capacity

Name John Doe 12 (Attacker 4)  
 Job or Title Unknown  
 Shield Number  
 Employer Unknown  
 Address Unknown

☒ Individual Capacity

Name John Doe 13 (Attacker 5)  
 Job or Title Unknown  
 Shield Number  
 Employer Unknown  
 Address Unknown

☒ Individual Capacity



Name John Doe 6 (Attacker 6)

Job or Title unknown

Shield Number

Employer Unknown

Address Unknown

☒ Individual Capacity

## II. Basis for Jurisdiction

B. Plaintiff, Carl Hodge (Hodge) prose, being a layman housed in SHU with limited access, but no knowledge of the law library, begs the court for some leniency on his ignorance to the proper wording or label that would cover the Federal constitutional and/or statutory rights that were violated.

Hodge's claims arise from the negligent actions by the defendant which led to an attack on Hodge that resulted in serious bodily injuries, (multiple stab wounds) that could have been prevented had staff done thier due diligence. Due to this negligence Hodge suffered cruel and unusual punishment as staff was aware Hodge's life would be at jeopardy if housed in certain unit, having been notified by Hodge and his criminal attorney. This resulted in pain and suffering from this preventable attack. These claims occurred between Sept. 7, 2017 and Sept 10, 2017 at Dauphin County Prison 501 Mall Road, Harrisburg, PA 17111 a prison within the 4<sup>th</sup> Circuits jurisdiction.

#### IV. Statement of Claim

##### D. What are the facts underlying your claim?

These are the facts and sequence of events that led to the attack on plaintiff- an attack that is on video in the possession of AUSA Micheal Constigelo out of Harrisburg District Federal Court- and underlie this claim.

1. On Sept 7, 2017 Hodge has a meeting with counselor Jane Doe 1 "Mrs Jill" in R.H.U. to discuss his return to general population. Hodge notified Mrs. Jill that he can not go to any unit but C-Block because his life would be in danger. Mrs Jill assured Hodge that he will go to C-Block, that is where she will have him classified.
2. On Sept 8, 2017 upon being released from R.H.U. John Doe 5 escorted Hodge to B-Block. Hodge notified this officer that he would be in danger and Mrs Jill told him he would be going to C-Block. The officer advise him he was classified to B-Block as there is no room anywhere else. John Doe 4 classified Hodge to B-Block after Hodge notified staff of the danger to his life. John Doe 5 gave Hodge a direct order to report to B-Block even after Hodge notified him of the danger to his life. Hodge complied with this order.
3. On Sept 9, 2017 during evening showers Hodge entered the shower room. B-Block shower room allows 3 inmates to shower at a time, because the shower area is a blindspot, it is a safety hazard so an officer stands guard in front during showers. After Hodge is in the shower room, John Doe 6 is approached by several inmates, the content of

this conversation is unknown, however for unknown reasons John Doe 6 abandons his post, without having John Doe 7 cover the shower area. After John Doe 6 abandoned his post John Doe 9 - John Doe 14 enter the showers and brutally attack Hodge with fist, kicks and knives. This sequence is all on CCTV footage. Plaintiff Hodge has requested a copy of the video and all relevant reports, Dauphin County Prison has not replied. This video is available through AUSA Micheal Constigela. Hodge was taken to the hospital for medical treatment.

4. On Sept 10, 2017 after returning from the hospital, Hodge was placed in Administrative Custody. That afternoon Hodge met with Mrs Jill, she told Hodge she was sorry that this happened, sorry for moving him to B-Block but several inmates requested that she put him in B-Block they made it seem as if they were all friends. She didn't think something like this would happen. Hodge asked how can she not think this would've happened when it is exactly what he told her could happen if he was placed anywhere other than C-Block. She again apologized and then Hodge was transferred to Adams County Prison.

5. John Doe 1, John Doe 2, John Doe 3 and John Doe 8 are the supervisory staff of these officers. They are also in charge of the safety and security of inmates and the institution, they have neglected their duty and oath of office by condoning the negligence of their staff.

## Certificate of Filing

I, Carl Hodge, certify I have filed this motion, today, in accordance to the "Prison Mailbox Rule" by placing said motion via certified mail in the prison mail system to be mailed to Office of the Clerk US District Court 235 North Washington Ave. PO Box 1148 Scranton, PA 18501-1148 with pre-paid postage affixed.

Date September 3, 2019

x Carl Hodge  
Carl Hodge  
Reg# 70853-019  
FCI Allenwood  
PO Box 2000  
White Deer, PA 17887



United States District Court  
for the  
Middle District of Pennsylvania

Carl Hodge  
plaintiff,

v

John Doe I (warden)

Plaintiff, Carl Hodge, pro-se, respectfully moves this court to appoint counsel. Hodge makes this request because he is a prisoner with limited resources, and due to the need to properly identify the defendants and to properly request and secure all documents and video evidence that are crucial to this matter. Hodge prays this honorable court will appoint counsel in the interest of justice.

Date: September 3, 2019

Respectfully Submitted,

x Carl Hodge  
Carl Hodge  
Reg # 70853-019  
FCI Allenwood  
PO Box 2000  
White Deer, PA 17887

FOR USE ONLY WITH IMpb SHIPPING LABEL

Label 3600-N, January 2014

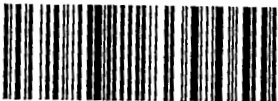
PSN 7690-17-600-0906

Carl Hodge # 70853-019  
FCT Allenwood Medium  
P.O. Box 2000  
White Deer, PA 17887  
"Legal Mail"

7018 0360 0001 6678 8676

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7018 0360 0001 6678 8676

U.S. POSTAGE PAID  
PM 2-DAY  
WHITE DEER, PA  
17887  
SEP 09, 19  
AMOUNT

**\$0.00**

R2306K138972-02

18501

AL INSTITUTION  
2300

OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
WILLIAM J. NEALON, CLERK  
235 WASHINGTON AVENUE  
P.O. Box 1148  
SCRANTON, PA 18501-1148

RETURN RECEIPT  
REQUESTED

Legal mail

RECEIVED  
SCRANTON

SEP 11 2019

PER Amo  
DEPUTY CLERK

**PRIORITY  
★ MAIL ★**

**TRACKED  
\*\*\*  
INSURED**